

#### REMARKS

The examiner has rejected claims 1-5, 7-11 and 13-15 under 35 U.S.C. §102 as being anticipated by Xing et al. The examiner has rejected claims 6, 12 and 16 under 35 U.S.C. §103 as being obvious over Xing et al.

Applicant's invention of claim 1 defines a method of sealing a battery cell having a top surface, a bottom surface and peripheral edges. The method comprises the steps of (a) positioning a first layer of packaging foil over the top surface of the battery cell, (b) positioning a second layer of packaging foil over the bottom surface of the battery cell, and (c) heat sealing the first layer of packaging foil to the top surface of the battery cell, heat sealing the second layer of packaging foil to the bottom surface of the battery cell, and heat sealing the first layer of packaging foil to the second layer of packaging foil about the periphery of the battery cell.

The examiner appears to be rejecting the Applicant's claimed invention based on the contention that Xing et al. discloses that the foil layer is heat sealed to the battery. The examiner states that the foil "when heated, may bond onto itself or onto the metallic layer such that a hermetic seal is formed around cell 32 (COL 4, lines 35-40)." However, this statement and the reference in the specification does not disclose that the foil is actually heat sealed to the battery, as clearly disclosed and claimed in Applicant's claim 1. The cell in the Xing et al. patent is encased in foil and then heat is applied to only the

periphery portion of the foil overlaying itself to bond the foil about its periphery, see specification Col. 4, line 54 through Col. 5, line 3. This portion of the Xing et al. patent specifically states that "Heat and pressure are applied to the three extending peripheral edges to cause the polymeric adhesive and sealant material to soften and bond itself together to form a generally U-shaped flange 38 about the periphery of cell 32...thus forms a seal about the periphery of the battery..." Applicant respectfully submits that sealing the peripheral edge is clearly not heat sealing the first layer of packaging foil to the top surface of the battery cell or heat sealing the second layer of packaging foil to the bottom surface of the battery cell as specifically claimed by Applicant.

It should be noted that it has been commonly understood that the heat sealing process would destroy a typical battery cell. In Xing et al. the "bag" encapsulates the battery cell by sealing the bag about the periphery of the battery cell. However, careful attention is paid not to heat the active portions of the battery cell, i.e., the bag is not heat sealed to the top and bottom portions of the battery cell as claimed by Applicant. As such, the method and the end product shown in Xing et al. are different from the method and end product made according to Applicant's method. The examiner is respectfully reminded that the method described in Xing et al. was specifically identified and described by Applicant in its BACKGROUND OF THE INVENTION and therein distinguished from this method, see Applicant's specification page 2, lines 7-22. It was in view of this type

of prior art sealing process that the Applicant devised its improved method and product.

The just described argument applies equally to claims 7 and 13 as they also include the general limitation that the foils are heat sealed directly to the battery itself rather than around the battery to form a bag.

Applicant hereby submits that as this method is different and as it produces different structures. As such, Applicant's method and products produced thereby are neither anticipated nor made obvious by this reference and therefore should be allowed.

By this response it is believed that the application has now been placed in condition for allowance. An early notice to such effect is accordingly solicited.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on April 27, 2004.

Signature  
Patty Y. Conley

